

## REMARKS

In the Office Action dated September 3, 2008, claims 1-14 and 16-20 were presented for examination. Claim 1-14, and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Lennon et al.*, U.S. Patent Publication No. 2002/0107973 in view of *Dickman et al.*, U.S. Patent No. 5,877,765, and further in view of *Buehler et al.*, U.S. Patent Publication No. 2003/0028895.

Applicants wish to thank the Examiner for the careful and thorough review and action on the merits in this application.

### I. Rejection Under 35 U.S.C. §103(a)

In the Office Action dated September 3, 2008, the Examiner rejected claims 1-14 and 16-20 as being unpatentable under 35 U.S.C. §103(a) by *Lennon et al.*, U.S. Patent Publication No. 2002/0707973 in view of *Dickman et al.*, U.S. Patent No. 5,877,765, and further in view of *Buehler et al.*, U.S. Patent Publication No. 2003/0028895.

Applicants' remarks pertaining to *Lennon et al.* and *Dickman et al.* in the prior communications are hereby incorporated by reference.

The Examiner employs *Lennon et al.* in relation to dynamically generating commands to manage a hardware device based upon metadata associated with the latter hardware device. As noted in the prior communication, the invention of *Lennon et al.* pertains to browsing and searching for multimedia items and does not pertain to management of a hardware device. In the paragraph [0163], cited by the Examiner, a metadata server invokes a procedure to satisfy a browsing request. This procedure results in the dynamic generation of an XML description of the associated metadata collection which does not imply creation of new data by a user. The user merely sends a browsing request to the metadata server. Accordingly, *Lennon et al.* teaches only requesting and receiving data with a hardware device, *i.e.* data storage.

In contrast, the INVOKE command of Applicants enables complex operations associated with a hardware device, including creation of new data. See [0017] of the Applicants' specification. Accordingly, in contrast to *Lennon et al.* and as reflected in the amendments submitted herewith, Applicants teach a list of commands appropriate for managing a **particular** hardware device being dynamically generated in response to the initial communication with a

server managing the device. This claimed feature of Applicants allows a user to manage a wide variety of hardware devices. See [0006] and [0016] of Applicants' specification.

The Examiner employs *Buehler* in relation to managing a hardware device. *Buehler* discloses a method for accessing and managing video network devices. A user seeking information from or seeking to interact with a video device selects the desired video device by selecting an icon representing the video device depicted by a graphical user interface. For instance, clicking on the icon that represents a video network device results in a request to call a *getAttribute*, *setAttribute* or *invoke* for the video network device. See [0041]-[0043] of *Buehler*. However, the invention of *Buehler* is limited to managing only video network devices, as represented in the icons presented to the user. In contrast, the invention of Applicants disclose a single user interface communicating with a wide array of managed hardware devices by **dynamically creating a list of commands based upon meta data of a specified managed object**. See [0006] and [0016] of Applicants' specification.

Accordingly, neither *Buehler* nor *Lennon* teach dynamically generating a list of commands appropriate for managing a device.

Finally, the Examiner employs *Dickman* in respect to modifying data of a hardware object. However, *Dickman* pertains to employing shortcuts to facilitate browsing and searching over the Internet. See col. 8, lines 12-20 of *Dickman*. **The SetURL function as taught by *Dickman* can not be used to modify parameters of any hardware devices.**

It is Applicants' position that the prior art of record falls short of teaching the claimed limitation of management of a hardware device through a dynamically generated list of commands. Each of *Lennon et al.*, *Dickman et al.*, and *Buehler et al.* teach or suggest managing a device pertaining to software related issues, including access to multimedia content and creating a shortcut key on a desktop browser. The addition of *Buehler et al.* still comes short of the limitation of the list of generated commands. Accordingly, the combination of prior art references do not teach every element of Applicants' claimed invention.

The *Lennon et al.*, *Dickman et al.*, and *Buehler et al.* references individually or when combined are not sufficient to uphold a rejection under 35 U.S.C. §103(a) since individually or in combination they fail to teach all of the elements claimed by Applicants. Accordingly,

Applicants respectfully contend that the combination of *Lennon et al.*, *Dickman et al.*, and *Buehler et al.* do not meet the standard set by the CAFC's interpretation of 35 U.S.C. §103(a), and respectfully request that the Examiner remove the rejection and direct allowance of claims 1-14 and 16-20.

## II. Conclusion

Applicants believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Applicants are not conceding in this application that the prior condition of these claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the pending application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Accordingly, Applicants request that the Examiner indicate allowability of claims 1-14 and 16-20, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,  
By: /Rochelle Lieberman/  
Rochelle Lieberman  
Registration No. 39,276  
Attorney for Applicants

Lieberman & Brandsdorfer, LLC  
802 Still Creek Lane  
Gaithersburg, MD 20878  
Phone: (301) 948-7775  
Fax: (301) 948-7774  
Email: [rocky@legalplanner.com](mailto:rocky@legalplanner.com)

Date: November 3, 2008